



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 10 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard A. Secrist, Jr.
Azcon Metals
121 Chessen Lane
Alton, IL 62002

Re: Azcon Metals, Alton, Illinois

Dear Mr. Secrist:

Enclosed is a signed copy of the Administrative Consent Order (ACO) between Azcon Metals and the United States Environmental Protection Agency. Please maintain this copy for your records.

The terms of this ACO became effective on the date of signature by the EPA Air Division Director, and are binding for one year from the effective date. Failure to comply with this ACO may subject Azcon to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

Should you have any questions, please contact Mr. Jose C. de Leon, Associate Regional Counsel, at (312) 353-7456, or Ms. Natalie Topinka, of my staff, at (312) 886-3853.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", is written over a horizontal line.

Nathan A. Frank, Chief
Air Enforcement and Compliance Assurance Section (IL/TN)

Enclosures: ACO

Cc: Kathleen M. Whitby, Spencer Fane Britt & Browne LLP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-14-113(a)-IL-07
)	Proceeding Under Sections
Azcon Inc., d/b/a Azcon Metals,)	113(a)(3) and 114(a)(1)
)	of the Clean Air Act,
)	42 U.S.C. §§ 7413(a)(3) and 7414(a)(1)
Alton, Illinois)	
)	
)	
)	
)	
)	

Administrative Consent Order

1. The Director of the Air and Radiation Division (Director), U.S. Environmental Protection Agency, Region 5 (EPA), is entering into this Administrative Consent Order (Order) with Azcon Inc., d/b/a Azcon Metals (Azcon Metals), 121 Chesson Lane, Alton, Illinois, under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3), 7414(a)(1).

I. Statutory and Regulatory Background

2. Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), authorizes the Administrator of EPA to issue an order requiring compliance with Subchapter VI of the Act to any person who has violated or is violating any requirement of Subchapter VI. The Administrator of EPA has delegated her order authority to the Regional Administrator of EPA, Region 5, pursuant to EPA Headquarters Delegation 7-6-A. The Regional Administrator of EPA, Region 5, has delegated her order authority to the Director pursuant to EPA Region 5 Delegation 7-6-A.

3. The Administrator of EPA may require any person who owns or operates an emission source to make reports and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator of EPA has delegated her information gathering authority to the Regional Administrator of EPA, Region 5, pursuant to EPA Headquarters Delegation 7-8. The Regional Administrator of EPA, Region 5, has delegated her information gathering authority to the Director pursuant to EPA Region 5 Delegation 7-8.

4. Subchapter VI of the Act, 42 U.S.C. § 7671, *et seq.* provides for the protection of stratospheric ozone. Section 608(b) of the Act, 42 U.S.C. § 7671g(b), provides EPA with the authority to regulate the safe disposal of class I and II substances. Class I and II substances include refrigerants containing chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs). EPA promulgated such regulations covering the safe disposal of CFCs and HCFCs from small appliances and motor vehicle air conditioners at 58 Fed. Reg. 28660 (May 14, 1993). These regulations for protection of the stratospheric ozone, recycling and emissions reduction are found in 40 C.F.R. Part 82, Subpart F.

5. Effective July 13, 1993, persons who take the final step in the disposal process (including but not limited to scrap recyclers) of small appliances and motor vehicle air conditioners (MVACs) must either recover the refrigerant in accordance with specific procedures or verify with signed statements that the refrigerant was properly recovered prior to receipt of the small appliance or MVAC. See 40 C.F.R. § 82.156(f). If verification statements are used then the scrap recycler must notify the suppliers of the small appliance or MVAC of the need to properly recover the refrigerant. See 40 C.F.R.

§ 82.156(f)(3). The scrap recycler must keep verification statements on-site for a minimum of three years. See 40 C.F.R. § 82.166(i) and (m).

6. EPA's regulations for the protection of the stratospheric ozone, recycling and emissions reduction define a "small appliance" as any appliance that is fully manufactured, charged, and hermetically sealed in a factory with five pounds or less of a class I or class II substance used as a refrigerant, including, but not limited to, refrigerators and freezers (designed for home, commercial, or consumer use), medical or industrial research refrigeration equipment, room air conditioners (including window air conditioners and packaged terminal air heat pumps), dehumidifiers, under the counter ice makers, vending machines, and drinking water coolers. See 40 C.F.R. § 82.152.

7. EPA's regulations for the protection of stratospheric ozone, recycling and emissions reduction define motor vehicle air conditioners (MVACs) as mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. See 40 C.F.R. §§ 82.32 and 82.152.

II. Findings

8. Azcon Metals owns and operates a scrap metal recycling facility at 121 Chessen Lane, Alton, Illinois (the Facility). Azcon Metals is a Delaware corporation qualified to do business in Illinois.

9. Azcon Metals is a "person," as defined by 40 C.F.R. § 82.152.

10. Azcon Metals is a person who takes the final step in the disposal process of small appliances and MVACs as defined in 40 C.F.R. §82.152, and is subject to the requirements of 40 C.F.R. Part 82, Subpart F.

11. At the Facility, EPA alleges that Blue Tee Corp., d/b/a Azcon Corporation (Azcon) accepted small appliances and MVACs without either recovering refrigerant or obtaining verification statements that met the requirements of 40 C.F.R. § 82.156(f). Azcon Metals neither admits nor denies EPA's allegations for purposes of this ACO, but consents to EPA's jurisdiction to issue this ACO.

12. On March 8, 2013, EPA issued a Finding of Violation (FOV) to Azcon alleging that Azcon had violated 40 C.F.R. § 82.156(f) because it neither recovered refrigerant from small appliances and MVACs nor obtained proper verification statements before accepting small appliances and MVACs.

13. On April 2, 2013, Azcon conferred with EPA concerning the violations referenced in paragraph 11.

14. Pursuant to a separate Consent Agreement and Final Order (CAFO) issued contemporaneously with this ACO, and without admitting or denying EPA's factual allegations, Azcon resolved its liability to EPA concerning the violations alleged in the March 8, 2013 FOV and the CAFO. Azcon no longer operates the Facility; Azcon Metals is the current operator of the Facility.

III. Compliance Program

15. Azcon Metals must comply with 40 C.F.R. Part 82, Subpart F. Additionally, for any small appliance or MVAC that it receives at the Facility, Azcon Metals must take the actions and maintain compliance as specified in paragraphs 16 through 19, below, for one year after the effective date of this Order.

16. Azcon Metals must not accept small appliances or MVACs with cut or dismantled refrigerant lines if it knows or has reason to know that the refrigerant has not been properly recovered in accordance with 40 C.F.R. § 82.156.

17. Azcon Metals must not accept small appliances or MVACs with cut or dismantled refrigerant lines unless its supplier can certify, using the verification statement included as Attachment 1 to this Order, that all refrigerant that had not leaked previously has been properly recovered. For suppliers with whom Azcon Metals has a long-standing business relationship, this requirement may be satisfied by Azcon Metals entering into the contract included as Attachment 2 to this Order.

18. Azcon Metals must notify its suppliers in writing that it will not accept small appliances or MVACs with cut or dismantled refrigerant lines, unless the suppliers can certify that the refrigerant was properly recovered prior to cutting or dismantling the refrigerant lines using the verification statement included as Attachment 1 to this Order or the contract included as Attachment 2 to this Order.

19. Azcon Metals may satisfy the notice requirements of paragraph 18 with a sign consistent with 40 C.F.R. § 82.156(f)(3) that is prominently displayed at its weigh station during the period of time that this Order is in effect.

20. Within thirty (30) days of the effective date of this Order, Azcon Metals must provide EPA with proof of its compliance with the notice requirements of paragraph 18.

21. Within six months of the effective date of this Order and at one year of the effective date of this Order, Azcon Metals must submit to EPA copies of any verification statements or contracts used pursuant to this Order.

22. Azcon Metals must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
EPA, Region 5
77 West Jackson
Chicago, Illinois 60604

IV. General Provisions

23. Azcon Metals agrees to the terms of this Order.

24. Azcon Metals waives all remedies, claims for relief and otherwise available rights to judicial or administrative review that Azcon Metals may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b) of the Clean Air Act.

25. This Order does not affect Azcon Metal's responsibility to comply with other federal, state, and local laws.

26. This Order does not restrict EPA's authority to enforce any requirement of the Act or its implementing regulations.

27. Failure to comply with this Order may subject Azcon Metals to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

28. Azcon Metals may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Azcon Metals fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data

provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

29. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response(s) to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

30. The terms of this Order are binding on Azcon Metals, its assignees, and successors. Azcon Metals must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA that it has given the notice.

31. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

32. This Order is effective on the date of signature by the Director. This Order will terminate one year from the effective date, provided that Azcon Metals has complied with all terms of the Order throughout its duration. Thereafter, Azcon Metals shall continue to comply with 40 C.F.R. Part 82, Subpart F.

33. Each person signing this Order certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

34. Each party agrees to pay its own costs and attorneys' fees in this action.

35. This Order constitutes the entire agreement between the parties.

AGREED AS STATED ABOVE:

AZCON INC., d/b/a AZCON METALS

By:  Date: 3/12/14

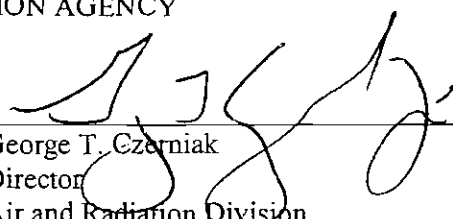
Name: Richard A. Secrist, Jr.

Title: President and CEO, Azcon Inc.

AGREED AND SO ORDERED:

U.S. ENVIRONMENTAL PROTECTION AGENCY

4/10/14
Date


George T. Czerniak
Director
Air and Radiation Division



VERIFICATION OF REFRIGERANT REMOVAL

Illinois state rules and U.S. federal regulations requires that before Azcon Metals accepts a small appliance, motor vehicle air conditioner (MVAC), or MVAC-like appliance ("appliances") at the Alton Shredder Plant, Azcon must verify that all refrigerant has been properly removed from the appliances. By completing this form, you verify that all refrigerant has been removed from the following appliances in accordance with 40 CFR Part 82 Subpart F prior to delivery to this location (check all that apply):

☐ Refrigerator ☐ Freezer ☐ Room A/C ☐ MVAC ☐ Other: _____

You must provide the name and full mailing address of the person who recovered the refrigerant and the date the refrigerant was recovered:

Name

Address

Date of Recovery

I certify that all the refrigerant that had not leaked previously has been recovered from any appliance, MVAC, or MVAC-like appliance in accordance with 40 CFR Part 82 Subpart F, by the person indicated above, before delivery to Azcon Metals, and that the information given here is true and correct.

Seller's Signature

Seller's name (print)

Date

Company Name (if any)

Mailing Address

121 Chesson Lane

Alton, IL 62002

ph 618.483.3770

fx 618.483.4143

azconmetals.com



Infeed Source Control Policy Supplier Certification Contract

Please complete this Infeed Source Control Policy Supplier Certification Contract and return it, signed, to the address below. Please type or write clearly and legibly.

I, the undersigned, attest that I have read and understand the Azcon Metals Infeed Source Control Policy attached to this document. I will not deliver any of the prohibited materials to the Shredder Plant. I will comply with the rules for preparing End of Life Vehicles and removing refrigerants from items which may contain CFCs and HCFCs.

Company Name:	Contact Name:
Mailing Address:	Title:
City, State, and Zip Code:	Signature:
Telephone Number:	Date:

Your completed Infeed Source Control Policy Supplier Certification Contract can be mailed or hand-delivered to the following address:

Azcon Metals
121 Chesson Lane
Alton, IL 62002

Your completed Infeed Source Control Policy Supplier Certification Contract can be faxed to (618) 463-4143.

If you have any questions about the Infeed Source Control Policy please contact us at (618) 463-3770.

We appreciate your acceptance of the Infeed Source Control Policy and thank you for helping keep Azcon Metals a safe place to bring your scrap.

Sincerely,

Richard A. Secrist, Jr.
President and Chief Executive Officer



Infeed Source Control Policy

Azcon Metals has adopted an Infeed Source Control Policy for recycling materials in a safe, efficient, and environmentally responsible manner that complies with federal, state, and local, environmental and safety laws, rules, and regulations. To ensure we are in compliance, we have established the following Policy for all materials accepted at our Shredder Plant. We require you to certify contractually that you will adhere to our Policy prior to delivering materials to our Shredder Plant. The discovery of any prohibited or unacceptable materials may result in the rejection of your entire load, and may disqualify you from sending future loads to our Shredder Plant.

The following materials **WILL NOT** be accepted at the Azcon Metals Shredder Plant:

- PCBs (polychlorinated biphenyls), including but not limited to any capacitor, fluorescent light ballast or other enclosed reservoir containing or that may contain PCB-bearing liquids or residuals, wet or dry transformers, or other potential PCBs-containing materials
- CFCs, HFCs (chlorofluorocarbons or hydrochlorofluorocarbons) or refrigerants as defined in Section 608 of the Clean Air Act and 40 CFR Part 82. More specifically,
 - Items that contain or may have contained CFC and HCFC refrigerants include, but are not limited to:
 - Air conditioners (household and motor vehicle)
 - Refrigerators, freezers, and ice makers
 - Dehumidifiers
 - Vending machines and water coolers
 - If you bring or ship items which contain or may have contained CFC or HCFC refrigerants to the Shredder, you will ensure that each such item has had all refrigerants properly evacuated and **REMOVED** prior to delivery to the Shredder
- Mercury switches, thermostats, or other mercury containing devices
- Radioactive materials
- Flammable materials (gasoline, diesel fuel, kerosene, paint)
- Closed containers such as: barrels and drums (unless emptied, certified triple rinsed, dried, and lids removed); or sealed units (unless open and drained)
- Compressed gas cylinders such as: acetylene tanks, propane tanks, and oxygen tanks (unless valves are removed and tanks are punctured or cut in half)
- Free-flowing liquids such as: any containers or material containing free-flowing liquids inside or outside (tar, oil, grease, gasoline, diesel fuel, kerosene, paint, propane, water, brake fluid, etc.)
- Plastic gasoline containers /oil containers
- Engine blocks (unless drained of fluids)
- Hazardous substances, wastes, or chemicals such as: infectious materials (medical scrap), corrosive materials, reactive materials (sodium, potassium, etc.), chemicals (fertilizer), waste (baghouse dust or filters, metallic sludge)
- Explosive materials (firearms, munitions, and spent rounds)



- Computer and electronic equipment, CRT monitors, televisions, fluorescent light ballasts, fluorescent and compact fluorescent lamps (light bulbs), pressurized cans, batteries (lead, nickel-cadmium, lithium ion, etc.), or any other Universal Waste as defined by 40 CFR Part 273
- Nonmetallic material (dirt, mud, wood, trash, trash bags, paper, plastic, rock, asphalt, concrete, asbestos, rubber tires, tires not attached to automobiles, or other miscellaneous debris)

The following items and substances must be **REMOVED** from all End of Life Vehicles (ELVs):

- Gas tank(s) must be empty and have a 12" x 12" hole, no gasoline of **ANY** amount
- Fluids must be drained (engine oil, transmission fluid, transaxle fluid, front and rear axle fluid, brake fluid, window washer fluid, anti-freeze, power steering fluid, coolant, gasoline, and diesel fuel)
- CFC/HFC refrigerants must be properly evacuated from air conditioners
- Mercury switches must be removed (hood, trunk, ABS)
- Batteries, portions of batteries, and terminal connectors
- Air bags deployed and canisters removed
- No more than five tires will accepted with an automobile (four on the vehicle and one spare)
- No unshreddables inside the automobile
- No trash, trash bags, rocks, concrete, bricks, wood, or tires in the vehicles

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent Administrative Consent Order EPA-5-14-113(a)-IL-07 by Certified Mail, Return Receipt Requested, to:

Richard A. Secrist, Jr.,
President and CEO
Azcon Metals
121 Chessen Lane
Alton, Illinois 62002

With a copy to:

Kathleen M. Whitby
Spencer Fane Britt & Browne LLP
1 North Brentwood, Suite 1000
St. Louis, MO 63105

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

On the 11 day of April 2014.



Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 2557